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EXAMINER

DUBASKY, GIGIL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/21/2010 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 08/03/2010 was filed after the mailing date of the RCE request on 07/21/2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner, except for the information referred to the references **CN 1362883 A** and **JP 2001-127847A**, which fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language, has been placed in the application file but not been considered.

Response to Arguments

Claim 13 has been cancelled and claims 25-28 had been cancelled previously.

Claims 33-36 have been newly added.

Claims 1-12, 14-24 and 29-36 are pending.

3. Applicant's arguments in the Remarks filed on 07/21/2010 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 29-32 are objected to because of the following informalities:

The claims 29 and 30, which are both dependent on claim 4, appear to be identical to claims 5 and 6 respectively, which also depend on claim 4.

The claims 31 and 32, which are both dependent on claim 17, appear to be identical to claims 18 and 19 respectively, which also depend on claim 17.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2421

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 7, 9, 12, 15-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiroi et al (US 2003/0222973).

Regarding claim 1, Hiroi discloses an apparatus for transmitting a signal of a moving image in a mobile communication terminal capable of receiving the reproducing the moving image (¶ [0001]), the apparatus comprising:

a first receiver (antennas 207 and 307 of Figures 2 and 3 respectively) for receiving a communication signal (¶ [0046] lines 11-13), wherein the communication signal is associated with a communication function of the mobile communication terminal (¶ [0052]);

a second receiver (element 505 in Figure 4) for receiving the moving image signal (¶ [0055] lines 14-16 and ¶ [0087] for acquiring the video signals from the video input unit; and ¶ [0057] lines 1-6 for also receiving the encoded video image via element 508 in Figure 4);

an input section (elements 204, 304 and 507 in Figures 2, 3 and 4 respectively) for generating signals for capturing and transmitting the moving image signal (¶ [0055] lines 1-9 for using by a user to input, for example, operation setting information of the terminal device, a telephone number of a communication party and also indication of communication start and end points; see Figures 2 and 3 for terminal devices having a

Art Unit: 2421

camera 202 and 302; and see abstract lines 6-8 and ¶ [0026]-[0027] for the sending side terminal device determines the video size for transmission according to size of the video image obtained by shooting, then displays obtained video data in its own video display area, encodes and transmits it to other terminal device. Therefore, the input section of terminal device must include function of generating signals for capturing and transmitting the video image signal);

a control section (CPU 501 in Figure 4) for receiving, according to the signals generated by the input section, a command signal for capture and transmission of the moving image signal (¶ [0056], ¶ [0060]-[0061] for CPU is a general processor to control operation of terminal device according to programs prepared for operation such as receiving user's input signal via the input section for establishing call, acquiring audio and video data, obtaining necessary video data for displaying data, encoding audio and video data and transmitting encoded video and audio data to the destination terminal device), and controlling to capture and transmit a portion of the moving image signal while the moving image is displayed (¶ [0087]-[0091] for the processes of acquiring video and audio signals, obtaining necessary video data, displaying obtained video data in its own display area, encoding video and audio data for transmission creating a packet of encoded video and audio data and transmitting the packet to the destination terminal device are concurrently executed by the CPU 501. It means that Hiroi discloses the CPU (control section) controls or executes concurrently processing of displaying video image in its own display area and processing of capturing and transmit video image);

a memory (element 502 in Figure 4) for storing the image captured according to a capture command generated by the control section (¶ [0057] lines 6-18); and a transmission section (element 508 in Figure 4) for transmitting the captured image stored in the memory (¶ [0056] lines 8-9).

Regarding claim 3, Hiroi discloses the apparatus as discussed in the rejection of claim 1. Hiroi further discloses the captured image includes moving image data (¶ [0018]).

Regarding claim 7, Hiroi discloses the apparatus as discussed in the rejection of claim 1. Hiroi further discloses an image converter for converting a video image size of the captured image (¶ [0088] and ¶ [0101]-[0103] for minimizing or cutting (converting) size of obtained video data according to the video size of the own video display area, according to the video size for transmission).

Regarding claim 9, Hiroi discloses the apparatus as discussed in the rejection of claim 1. Hiroi further discloses the transmission section transmits a captured image (¶ [0056] lines 8-9 for transmitting video image via element 508 in Figure 4), which is stored in the memory (¶ [0057] lines 6-18), by a phone-to-phone method (¶ [0015] and ¶ [0042]-[0044] for transmitting video data between phone-to-phone method).

Regarding claim 12, all limitations of claim 12 are analyzed corresponding to all functionalities of the apparatus of claim 1. So, claim 12 is rejected under the same rationale as claim 1.

Regarding claim 15, all limitations of claim 15 are analyzed corresponding to all functionalities of the apparatus of claim 3. So, claim 15 is rejected under the same rationale as claim 3.

Regarding claim 16, Hiroi discloses the apparatus as discloses in the rejection of claim 12. Hiroi further discloses storing the captured image in a memory after the step of capturing the image (¶ [0057] lines 6-18).

Regarding claim 20, all limitations of claim 20 are analyzed corresponding to all functionalities of the apparatus of claim 7. So, claim 20 is rejected under the same rationale as claim 7.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 4-6, 10, 14, 17-19, 23 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al (US 2003/0222973) in view of Nishimura (US 2002/0051181) of the record.

Regarding claim 2, Hiroi discloses the apparatus as discussed in the rejection of claim 1. Hiroi does not explicitly disclose the captured image includes still image data.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file which is not only a file of a still image but also a file of speech, music or moving pictures (¶ [0045]) using a notebook personal computer (Figure 2) as well as a portable telephone set (Figure 15) as transmission terminals to perform functions of Nishimura's invention (¶ [0159]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hiroi's system with the capability of capturing and transmitting not only a moving image but also a still image, speech and music as taught by Nishimura, so to provide an enhanced system being capable of sharing various types of file to others.

Regarding claim 4, Hiroi discloses the apparatus as discussed in the rejection of claim 1. Hiroi does not explicitly disclose a file compressor for compressing the captured image.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file which is not only a file of a still image but also a file of speech, music or moving pictures (¶ [0045]). Nishimura discloses the captured image file is compressed

Art Unit: 2421

into a file (¶ [0143]). It means that Nishimura's system must comprise a file compressor for compressing the captured image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hiroi's system with a file compressor for compressing the captured image into file as taught by Nishimura, so to reduce bandwidth in transmission and space for storage of a compressed file.

Regarding claims 5 and 29, Hiroi in view of Nishimura discloses the apparatus as discussed in the rejection of claim 4. The combined system further discloses the file compressor compresses the still image data in one selected from the group of extensions consisting of Joint Photographic Experts Group (JPEG), BitMap (BMP), Graphics Interchange Format (GIF), Picture Image Compression (PIC), Tag Image File Format (TIFF), Portable Document Format (PDF), and Extension Post Script graphics (EPS) formats (taught by Nishimura; ¶ [0149]-[0150] for compressed image in GIF, PNG, TIFF and JPEG format).

Regarding claims 6 and 30, Hiroi in view of Nishimura discloses the apparatus as discussed in the rejection of claim 4. The combined system further discloses the file compressor compresses the moving image data in one selected from the group of extensions consisting of Moving Pictures Expert Group (MPEG), Advanced Streaming Format file (ASF), Advanced Streaming Redirect file (ASX), AVI, Data file for video CD MPEG movie (DAT), Animator Animation (FLI), Animator Animation most recent version

Art Unit: 2421

of FLI format (FLC), Apple QuickTime Movie (MOV), MPEG Movie (MPG), Real Audio iRA), Real Media CRAM), Real Media (RM), MPEG layer 2 movie (VOB), and Vivo Active Movies (VIV) formats (taught by Nishimura; ¶ [0154] and ¶ [0167] for the captured moving picture in MPEG format).

Regarding claim 10, Hiroi discloses the apparatus as discussed in the rejection of claim 1. Hiroi discloses the transmission section transmits a captured image (¶ [0056] lines 8-9 for transmitting video image via element 508 in Figure 4), which is stored in the memory (¶ [0057] lines 6-18).

Hiroi does not explicitly disclose transmitting a capture image together with an email.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file of a captured still image, a file of speech, music or moving pictures (¶ [0045]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hiroi's system with the capability of transmitting a captured image together with an email as taught by Nishimura, so to provide an enhanced system with a diversity of video image transmission method for sharing data to others.

Art Unit: 2421

Regarding claim 14, all limitations of claim 14 are analyzed corresponding to all functionalities of the apparatus of claim 2. So, claim 14 is rejected under the same rationale as claim 2.

Regarding claim 17, all limitations of claim 17 are analyzed corresponding to all functionalities of the apparatus of claim 4. So, claim 17 is rejected under the same rationale as claim 4.

Regarding claims 18 and 31, all limitations of claims 18 and 31 are analyzed corresponding to all functionalities of the apparatus of claim 5. So, claims 18 and 31 are rejected under the same rationale as claim 5.

Regarding claims 19 and 32, all limitations of claims 19 and 32 are analyzed corresponding to all functionalities of the apparatus of claim 6. So, claims 19 and 32 are rejected under the same rationale as claim 6.

Regarding claim 23, all limitations of claim 23 are analyzed corresponding to all functionalities of the apparatus of claim 10. So, claim 23 is rejected under the same rationale as claim 10.

9. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al (US 2003/0222973) in view of Bagni et al (US 6236760) of the record.

Regarding claim 8, Hiroi discloses the apparatus as discussed in the rejection of claim 7. Hiroi discloses the converted image size is 320x240 pixels (see Figures 8-9), but does not explicitly disclose converted image size is one of dimensions including 128x112 dots and 128x96 dots.

Bagni discloses this limitation (Col 5 lines 36-45 for down converting image to size 128x96 pixels).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hiroi's system with the teaching of Bagni for down converting image to size 128x96, so to save more bandwidth for transmission the image file. The combined system of Hiroi and Bagni enables to convert images from size 640x480 pixels to 320x240 pixels and to 128x96 pixels. It is obvious that the combined system also enables to convert image to size 128x112.

Regarding claim 21, all limitations of claim 21 are analyzed corresponding to all functionalities of the apparatus of claim 8. So, claim 21 is rejected under the same rationale as claim 8.

10. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al (US 2003/0222973) in view of Yi (US 7003040) of the record.

Regarding claim 11, Hiroi discloses the apparatus as discussed in the rejection of claim 1. Hiroi discloses a display section (display screens 203 and 303 in Figures 2 and

Art Unit: 2421

3 respectively) which includes a display area for video-processing and displaying the moving image signal (see Figures 8 and 9).

Hiroi does not explicitly disclose a display section having two display areas and one of display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section.

Yi discloses a cellular phone having a display section which includes a first display area for video-processing and displaying the video signal and a second display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section (see Figure 2 for display has two distinct areas, display section of image and user menu along side and bottom).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hiroi's system with the teaching of Yi, so to enhance user's viewing experience.

Regarding claim 24, all limitations of claim 24 are analyzed corresponding to all functionalities of the apparatus of claim 11. So, claim 24 is rejected under the same rationale as claim 11.

11. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al (US 2003/0222973) in view of Ortiz et al (US 2003/0112354) of the record.

Regarding claim 33, Hiroi discloses an apparatus for transmitting a video image signal in a mobile communication terminal capable of receiving the video image signal,

Art Unit: 2421

the apparatus comprising:

an input section (elements 204, 304 and 507 in Figures 2, 3 and 4 respectively) for generating signals for capturing and transmitting the moving image signal (¶ [0055] lines 1-9 for using by a user to input, for example, operation setting information of the terminal device, a telephone number of a communication party and also indication of communication start and end points; see Figures 2 and 3 for terminal devices having a camera 202 and 302; and see abstract lines 6-8 and ¶ [0026]-[0027] for the sending side terminal device determines the video size for transmission according to size of the video image obtained by shooting, then displays obtained video data in its own video display area, encodes and transmits it to other terminal device. Therefore, the input section of terminal device must include function of generating signals for capturing and transmitting the video image signal);

a control section (CPU 501 in Figure 4) for receiving, according to the signals generated by the input section, a command signal for capture and transmission of the moving image signal (¶ [0056], ¶ [0060]-[0061] for CPU is a general processor to control operation of terminal device according to programs prepared for operation such as receiving user's input signal via the input section for establishing call, acquiring audio and video data, obtaining necessary video data for displaying data, encoding audio and video data and transmitting encoded video and audio data to the destination terminal device), and controlling to capture and transmit a portion of the moving image signal while the moving image is displayed (¶ [0087]-[0091] for the processes of acquiring video and audio signals, obtaining necessary video data, displaying obtained video data

Art Unit: 2421

in its own display area, encoding video and audio data for transmission creating a packet of encoded video and audio data and transmitting the packet to the destination terminal device are concurrently executed by the CPU 501. It means that Hiroi discloses the CPU (control section) controls or executes concurrently processing of displaying video image in its own display area and processing of capturing and transmit video image);

a memory (element 502 in Figure 4) for storing the image captured according to a capture command generated by the control section (¶ [0057] lines 6-18); and a transmission section (element 508 in Figure 4) for transmitting the captured image stored in the memory (¶ [0056] lines 8-9).

Hiroi does not explicitly disclose the received video signal is a television signal.

Ortiz discloses a wireless hand held device (Figures 2 and 3) such as a PDA, paging device, WAP-enabled mobile phone... are available for receiving public television broadcast signals (¶ [0057] and ¶ [0061]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hiroi's system with the capability of receiving television broadcast signals as taught by Ortiz, so to provide an enhanced system capable of receiving television signals in order to improve user's viewing experience.

Regarding claim 34, all limitations of claim 34 are analyzing corresponding to the functionalities of the apparatus in claim 33. So, claim 34 is rejected under the same rationale as claim 33.

12. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 2003/0112354) of the record in view of Nishimura (US 2002/0051181) of the record.

Regarding claim 35, Ortiz discloses a method for transmitting a television signal in a mobile communication terminal capable of receiving the television signal, the method comprising the steps of: video-processing (§ [0057]-[0061] for receiving and processing received television signal via image-processing unit 35 in Figure 1) and displaying the received television signal (§ [0062] and see Figures 7-9).

Ortiz does not explicitly disclose capturing a still image of the displayed image; and transmitting the captured still image.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file which is a file of a captured still image, speech, music or moving pictures (§ [0045]) using a notebook personal computer (Figure 2) as well as a portable telephone set (Figure 15) as transmission terminals to perform functions of Nishimura's invention (§ [0159]). Nishimura discloses the CPU 51 (Figure 4) boots a capture program in conjunction with an E-mail program (§ [0098] and § [0105]) to capture a still image which is displayed in display area 206 (Figure 6) and to transmit the captured still image via E-mail attachment through a network (§ [0095]-[0097]) in accordance with user commands (§ [0101] and § [0103]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ortiz's system with the capability of capturing

Art Unit: 2421

and transmitting a still image of displayed image as taught by Nishimura, so to provide an enhanced system which allows the user of mobile terminal to share captured image files to others.

Regarding claim 36, Ortiz discloses a method for transmitting a television signal in a mobile communication terminal capable of receiving the television signal, the method comprising the steps of: video-processing (§ [0057]-[0061] for receiving and processing received television signal via image-processing unit 35 in Figure 1) and displaying the received television signal (§ [0062] and see Figures 7-9).

Ortiz does not explicitly disclose capturing a moving image for a capture time according to a capture start command and a capture end command of the displayed moving image and transmitting the captured moving image.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file which is a file of a captured still image, speech, music or moving pictures (§ [0045]) using a notebook personal computer (Figure 2) as well as a portable telephone set (Figure 15) as transmission terminals to perform functions of Nishimura's invention (§ [0159]). Nishimura discloses the CPU 51 (Figure 4) boots a capture program in conjunction with an E-mail program (§ [0098] and § [0105]) to capture a moving image, which is displayed in display area 206 (Figure 6), for a capture time according to a capture start command and a capture end command of the displayed moving image (§ [0109]-[0110] for using capture button 211 in capture window 202 or shot button 233 in mail window 230 in Figure 6 to start the photographing and displaying in the display

Art Unit: 2421

area 207 the maximum possible recording time... if the photographing mode is in the moving image photographing mode. It is obvious that a capture end command is well-known and included if capturing a moving image). Nishimura also discloses transmitting the captured moving image via E-mail attachment through a network (¶ [0095]-[0097]) in accordance with user commands (¶ [0101] and ¶ [0103]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ortiz's system with the capability of capturing and transmitting a moving image of displayed image as taught by Nishimura, so to provide an enhanced system which allows the user of mobile terminal to share captured image files to others.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIGI L. DUBASKY whose telephone number is (571)270-5686. The examiner can normally be reached on Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2421

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/John W. Miller/

Supervisory Patent Examiner, Art Unit 2421

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